

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By \_\_\_\_\_

1 AMEND House Committee Substitute for House Bill No. 1918, Page 1, in the Title , Lines 2-3, by  
2 deleting the words "foreign ownership of agricultural land" and inserting in lieu there of "personal  
3 property"; and  
4

5 Further amend said bill and page, Section A, Line 2, by inserting after all of said section and line the  
6 following:  
7

8 "192.970. 1. The provisions of sections 192.970 to 192.974 shall be known and may be  
9 cited as the "Controlled Substances Contaminated Property Cleanup Act".

10 2. The department of health and senior services shall:

11 (1) Establish and administer a certification program to:

12 (a) Certify contractors who choose to undertake the inspection, sampling, remediation, and  
13 removal of contaminated materials from property contaminated through the manufacture of  
14 controlled substances; and

15 (b) Require as a condition of certification that the contractors demonstrate that they have  
16 qualifications required to undertake inspection, sampling, remediation, and removal of contaminated  
17 materials from property contaminated through the manufacture of controlled substances;

18 (2) Have established the certification program and standards for the remediation of  
19 properties contaminated through the manufacture of controlled substances by January 1, 2016;

20 (3) Make the certification program rules and remediation standards available to law  
21 enforcement officials and the public on the department's website and in hard copy upon request to  
22 the department;

23 (4) Annually review and update the remediation standards; and

24 (5) Develop guidelines for property owners who wish to perform remediation of their  
25 property contaminated through the manufacture of controlled substances.

26 3. The department shall promulgate rules and regulations to implement the provisions of this  
27 section. Such rules shall include, but not be limited to:

28 (1) Application forms for certification;

29 (2) Continuing education requirements;

30 (3) Professional and technical standards for certification;

31 (4) Renewals of certification;

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1       (5) Procedures for revocation and other actions that affect the status of certification; and

2       (6) Reasonable fees.

3       4. Any rule or portion of a rule, as that term is defined in section 536.010, that is created  
4 under the authority delegated in this section shall become effective only if it complies with and is  
5 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and  
6 chapter 536 are nonseverable, and if any of the powers vested with the general assembly under  
7 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently  
8 held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after  
9 August 28, 2014, shall be invalid and void.

10       5. Nothing in sections 192.970 to 192.974 shall apply to any legal manufacturer of  
11 controlled substances.

12       192.971. 1. If a private property owner finds an abandoned laboratory or supplies for the  
13 manufacture of controlled substances on his or her property and there has been no active law  
14 enforcement involvement, the property owner shall notify local law enforcement for proper removal  
15 of contaminated material. The property owner shall then notify the department of health and senior  
16 services, and the department shall inspect the property after receiving approval from local law  
17 enforcement.

18       2. If the department verifies that a laboratory for the manufacture of controlled substances  
19 has been found on the property, it shall place the property on the contaminated properties list  
20 required under section 192.972.

21       192.972. 1. Beginning January 1, 2016, the department of health and senior services shall  
22 maintain records concerning properties contaminated through the manufacture of controlled  
23 substances.

24       2. The department shall:

25       (1) Create a list of properties contaminated through the manufacture of controlled  
26 substances;

27       (2) Place a contaminated property on the contaminated properties list;

28       (3) Determine that a property has been adequately remediated if:

29       (a) The inspection, sampling, remediation, and removal of contaminated materials is  
30 performed by or under the direction of:

31       a. An individual who has obtained a certification under the rules established by the  
32 department under sections 192.970 to 192.974;

33       b. An employee of a public agency that has the responsibility of regulatory enforcement,  
34 emergency response, the protection of public health and welfare, or the protection of the  
35 environment while the employee is acting in the course of such employment; or

36       c. A property owner who performs the remediation according to the guidelines established  
37 by the department for remediation and the department has completed the post-remediation testing;  
38 and

39       (b) The property has met the remediation standards developed by the department;

40       (4) Post the results of a cleanup on the department's website for ten business days after the  
41 department determines that the property has been adequately remediated; and

1       (5) Remove a property from the list when the department finds that the property has been  
2 adequately remediated.

3       3. The department shall make the list of properties contaminated through the manufacture of  
4 controlled substances available to law enforcement officials and to the public on the department's  
5 website and in hard copy upon request to the department. The department shall keep hard copies of  
6 the information required under this section until the department has removed the property from the  
7 list of properties contaminated through the manufacture of controlled substances.

8       192.973. 1. If a law enforcement officer discovers a laboratory for the manufacture of  
9 controlled substances or arrests a person for having equipment used in manufacturing controlled  
10 substances on any real property, the law enforcement officer shall at the time of discovery or arrest  
11 deliver a copy of the notice of removal required under subsection 4 of this section to:

12       (1) The owner of the real property if the owner is present at the time of the discovery or  
13 arrest;

14       (2) The on-site manager if the on-site manager is present at the time of the discovery or  
15 arrest;

16       (3) An on-site drop box if available; or

17       (4) In the case of a tenant-owner unit in a space rental mobile home or a recreational vehicle  
18 park, the occupant if the occupant is present at the time of the discovery or arrest or the on-site park  
19 landlord if the on-site park landlord is present at the time of the discovery or arrest.

20       2. (1) If neither the owner nor the on-site manager of a property used in manufacturing  
21 controlled substances is on the property at the time of the discovery of or arrest regarding a  
22 laboratory for the manufacture of controlled substances, the law enforcement officer shall make  
23 every reasonable effort to obtain the necessary contact information concerning the owner from the  
24 tenant, property manager, or neighbors.

25       (2) Within five business days after the discovery of or arrest regarding a laboratory for the  
26 manufacture of controlled substances, the law enforcement officer shall send the notice of removal  
27 required under subsection 4 of this section by certified mail to the owner of the property and the  
28 owner's on-site manager or in the case of a space rental mobile home or a recreational vehicle park,  
29 to the park landlord.

30       (3) The department of health and senior services shall cooperate with the state highway  
31 patrol to create a computer link that will allow the highway patrol to transfer to the department  
32 information from the National Clandestine Laboratory Seizure Report required under 28 CFR Part  
33 23 that is relevant to the notice of removal required under subsection 4 of this section.

34       3. (1) At the time a law enforcement officer removes the gross contamination from property  
35 used as a laboratory for the manufacture of controlled substances, the law enforcement officer shall  
36 order the removal of all persons from the residually contaminated portion of the property or dwelling  
37 unit or in the case of a space rental mobile home or a recreational vehicle park, from the unit located  
38 on the property.

39       (2) After the law enforcement officer removes all persons under subdivision (1) of this  
40 subsection, the law enforcement officer shall affix the notice of removal required under subsection 4  
41 of this section in a conspicuous place on the property or in the case of a space rental mobile home or

1 a recreational vehicle park, on the unit located on the property.

2 4. The notice of removal under this section shall be in writing and shall contain all of the  
3 following:

4 (1) The word “WARNING” in large bold type at the top and the bottom of the notice;

5 (2) The date of the seizure and removal;

6 (3) The address or location of the property including the identification of any dwelling unit,  
7 room number, apartment number, or vehicle number;

8 (4) The name of the law enforcement agency that seized the laboratory for the manufacture  
9 of controlled substances and the agency’s contact telephone number;

10 (5) A list of telephone numbers and contact information for all local and state agencies  
11 involved in the process of remediation;

12 (6) The contact telephone numbers for local and state agencies associated with the cleanup of  
13 laboratories for the manufacture of controlled substances; and

14 (7) A statement that:

15 (a) A laboratory for the manufacture of controlled substances was discovered on the  
16 property;

17 (b) Chemicals, equipment, or both that were used in the manufacture of controlled  
18 substances were seized at the property;

19 (c) Hazardous substances, toxic chemicals, or other waste products may still be present on  
20 the property or in the case of a space rental mobile home or recreational vehicle park, in the unit  
21 located on the property;

22 (d) It is unlawful for any unauthorized person to enter a residually contaminated property or  
23 in the case of a space rental mobile home or recreational vehicle park, the unit located on the  
24 property until the department establishes that the portion of the property identified as residually  
25 contaminated has been properly remediated. As used in this section, the term “authorized person”  
26 means:

27 a. An employee of the department of health and senior services;

28 b. A law enforcement officer;

29 c. The owner of a residually contaminated property; and

30 d. A representative of an owner of a residually contaminated property if the representative  
31 has signed a waiver of liability. No employer shall coerce an employee to sign such a waiver of  
32 liability as a condition of employment;

33 (e) A violation of the provisions of this section shall be a class B misdemeanor; and

34 (f) The owner of the property is responsible for remediating the residually contaminated  
35 portion of the property in compliance with the department’s rules concerning the cleanup of  
36 laboratories for the manufacture of controlled substances.

37 192.974. 1. After property contaminated through the manufacture of controlled substances  
38 is remediated and the property owner receives official notification from the department of health and  
39 senior services, no person including the property owner, landlord, or real estate agent is required to  
40 report or otherwise disclose the past contamination.

41 2. After property contaminated through the manufacture of controlled substances has been

1 remediated and officially removed from the contaminated properties list, no information regarding  
 2 such property required to be kept by the department under sections 192.970 to 192.974 shall be  
 3 subject to disclosure under the Missouri sunshine law contained in chapter 610."; and  
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5 Further amend said bill, Page 2, Section 442.571, Line 28, by inserting after all of said section and  
 6 line the following:  
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8 "442.606. 1. In the event that any parcel of real property to be sold, exchanged or  
 9 transferred is or was used as a site for methamphetamine production, the seller or transferor shall  
 10 disclose in writing to the buyer or transferee the fact that methamphetamine was produced on the  
 11 premises, provided that the seller or transferor had knowledge of such prior methamphetamine  
 12 production. The seller or transferor shall disclose any prior knowledge of methamphetamine  
 13 production, regardless of whether the persons involved in the production were convicted for such  
 14 production.

15 2. A seller or transferor of any parcel of real property shall disclose in writing the fact that  
 16 any premises to be sold or transferred either was the place of residence of a person convicted of any  
 17 of the following crimes, or was the storage site or laboratory for any of the substances for which a  
 18 person was convicted of any of the following crimes, provided that the seller or transferor knew or  
 19 should have known of such convictions:

20 (1) Creation of a controlled substance in violation of section 195.420;

21 (2) Possession of ephedrine with intent to manufacture methamphetamine in violation of  
 22 section 195.246;

23 (3) Unlawful use of drug paraphernalia with the intent to manufacture methamphetamine in  
 24 violation of subsection 2 of section 195.233;

25 (4) Endangering the welfare of a child by any of the means described in subdivision (4) or  
 26 (5) of subsection 1 of section 568.045; or

27 (5) Any other crime related to methamphetamine, its salts, optical isomers and salts of its  
 28 optical isomers either in chapter 195, or in any other provision of law.

29 3. The provisions of this section regarding disclosure shall not apply to property that has  
 30 been properly remediated under sections 192.970 to 192.974.

31 [441.236. In the event that any premises to be rented, leased, sold, transferred or  
 32 conveyed is or was used as a site for methamphetamine production, the owner, seller,  
 33 landlord or other transferor shall disclose in writing to the prospective lessee,  
 34 purchaser or transferee the fact that methamphetamine was produced on the premises,  
 35 provided that the owner, seller, landlord or other transferor has knowledge of such  
 36 prior methamphetamine production. The owner shall disclose any prior knowledge of  
 37 methamphetamine production, regardless of whether the persons involved in the  
 38 production were convicted for such production.] "; and  
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40 Further amend said bill and page, Section B, Line 2, by inserting after the word  
 41 "reenactment" "of section 442.571"; and

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2 Further amend said bill and page, Section B, Line 5, by inserting after the word  
3 "reenactment" "of section 442.571"; and  
4  
5 Further amend said bill by amending the title, enacting clause, and intersectional references  
6 accordingly.